



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,038	09/29/2000	Bernhard Dehmer	4481-028	3016

7590 01/28/2002

Lowe Hauptman Gopstein Gilman & Berner LLP
1700 Diagonal Road Suite 310
Alexandria, VA 22314

EXAMINER

FOX, JOHN C

ART UNIT PAPER NUMBER

3753

DATE MAILED: 01/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672038

Applicant(s)

Examiner

Fox

Group Art Unit

3753

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/13/01
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-3, 5-11, 14-48 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-3, 5-11, 14-48 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 12/13/01 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-102
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 3753

This action is responsive to the communication filed December 13, 2001.

The replacement specification is noted with appreciation.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tapered sealing element recited in the claims must be shown or the feature cancelled from the claim. No new matter should be entered.

Claims 2-3, 5-11 and 14-48 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the recitation "being at a free end of an actuator" in claim 15, line 8 it is unclear what is at the free end. There is no proper antecedent basis for "the opposing shut-off surfaces of the valve body" in claim 15, lines 8-9 and "the outlet that opposes the free end of the actuator" in lines 10-11. The recitation in claim 15, lines 8-11 is inaccurate, and thus indefinite, in that it calls for both valve seats to narrow toward the one outlet.

The recitation in claim 16, lines 9-10 of "the sealing element assigned to seal the first outlet" is unclear in that it suggests there is more than one sealing element, and the recitation in claim 16, lines 9-11 is inaccurate and indefinite

Art Unit: 3753

in that it calls for the sealing element to rest on both seats in one position.

In claim 17, there is no proper antecedent basis for "the outlet ports" in lines 3-4 in that only one port is recited earlier, "the passage interior surface" in line 9, "the tapered sealing surface" in line 17 and "the sealing element sealing surface" in lines 19-20. The recitation in lines 10-13 "(b) a second ... outlet ports" is inaccurate and indefinite in that it calls for the sealing element to seal both seats in one position.

Claim 29 includes similar §112 problems.

The action on the merits of the claims hereafter is made to the extent that the claims are understood.

Subject matter in the claims which is indefinite, ie. that is subject to more than one interpretation, is given that interpretation which renders it subject to rejection on the prior art, provided that the issues involved can be reasonably understood. Grammatical and typographical errors and recitations without proper antecedent basis of a minor nature, such as the addition or omission of an adjectival modifier, will be interpreted as if they had been corrected, provided that the correction is reasonably apparent.

Claims which are not treated on their merits hereafter are deemed to be so informal as to preclude a reasonable comparison to the Prior Art in that the meaning of the terms of the claims

Art Unit: 3753

and thus the content and scope of the claims cannot be determined with a reasonable degree of certainty.

This will be the case where the claims include subject matter which is more seriously indefinite, unclear or inadequately supported. For example, where an indefinite recitation is compounded by reference to another indefinite recitation, where there is a multiplicity of indefinite recitations, where there are numerous and repetitive formal errors or where the essential distinguishing feature or features of the invention, ie. the point of novelty, is indefinite, it would require considerable speculation to arrive at a determination of the scope and content of the claim.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial Number: 09/672038

-5-

Art Unit: 3753

Any inquiry concerning this communication should be directed to Examiner Fox at (703) 308-2595 or John.Fox@uspto.gov. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The fax number for Art Unit 3753 is (703) 308-7765. The Supervisory Primary Examiner for Art Unit 3753 is Michael Buiz who can be reached at (703) 308-2580 or at Michael.Buiz@uspto.gov.


JOHN FOX
PRIMARY EXAMINER
ART UNIT 3753

jcf
January 22, 2002